

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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MARK RICHARDSON,

Plaintiff,

-against-

18 CIVIL 7694 (VEC)

JUDGMENT

MICHAEL CAPRA, Superintendent of Sing Sing
Correctional Facility,

Defendant.

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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Opinion and Order dated March 22, 2023, the R&R is rejected and Petitioner's request for habeas relief is DENIED. Because reasonable jurists may find it "debatable" whether Petitioner states a valid claim, *Miller-El v. Cockrell*, 537 U.S. 322, 336 (2003), the Court issues a certificate of appealability as to whether the state courts clearly erred by applying *Chapple* and its progeny rather than *Seibert* when deciding Petitioner's suppression motion. Petitioner is granted in forma pauperis status for the purposes of any appeal. See *Coppedge v. United States*, 369 U.S. 438, 445 (1962) (concluding that an appeal may be taken in forma pauperis if made in "good faith"); *Laboriel v. Lee*, No. 18-CV-3616 (RA), 2021 WL 76170, at *6 (S.D.N.Y. Jan. 7, 2021) (issuing a certificate of appealability and granting in forma pauperis status); accordingly, the case is closed.

Dated: New York, New York

March 22, 2023

RUBY J. KRAJICK

Clerk of Court

BY:

K. mango

Deputy Clerk